



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

January 23, 2019

By ECF

The Honorable Ann M. Donnelly
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Robert J. Cleary
Member of the Firm
d +1.212.969.3340
f 212.969.2900
rjcleary@proskauer.com
www.proskauer.com

Re: *United States v. Dan Zhong*
Criminal Docket No. 16-614 (AMD)

Dear Judge Donnelly:

I write pursuant to Your Honor's January 18 Order to provide the Court with a further update concerning the parties' efforts to stipulate to the testimony of witnesses who are the subjects of Mr. Zhong's pending motion for Rule 15 depositions.

Since my report last Friday, the parties have continued to work to agree on stipulated testimony for most of the witnesses at issue. At this point, we have reached an agreement in principle as to the testimony of two of the witnesses; are very close to achieving such an agreement as to two additional witnesses; and are awaiting the government's comments on another witness. Finally, the defense also has delivered to the government proposed stipulations (and supporting interview notes) for three last witnesses, having now pared down its list of proposed deponents from eleven to eight. We are awaiting the government's further response.

In sum, we continue to believe that our good faith negotiations with the government are promising and that they can be completed by the end of this week.

We therefore ask the Court to allow this process to continue, and propose that we update Your Honor further at the end of the day on Friday, January 25.

Respectfully submitted,

/s/ Robert J. Cleary
Robert J. Cleary

cc: AUSA Alexander A. Solomon (by ECF)
AUSA Ian C. Richardson (by ECF)
AUSA Craig R. Heeren (by ECF)